

Dear Chairperson Cummings and other Committee Members

My name is John Egan and I am a resident of Warren VT. First, I would like to thank you for affording me the opportunity to testify today. I have been a resident of Warren for almost 30 years and started a small business there that now employs 14 people. Last fall, Verizon issued an advance notice under Section 248a of its intention to build a 140 foot tower on a prominent hill right next to our property. As a result, I have first-hand experience with how the current statute fails to give towns and residents sufficient notice or information to properly evaluate a proposed cell tower and puts all of the risk and cost of intervention on towns and residents.

Over the course of the 60 day advance notice period, Verizon refused three requests from the Town of Warren to meet with town officials and residents. During this period, Verizon also cancelled a requested meeting with the Central Vermont Regional Planning Commission. I personally wrote a three page letter to Verizon's lawyers in response to their advance notice raising numerous questions and never even received an acknowledgement from Verizon or its lawyers, never mind a substantive response. In addition and consistent with their past practice, Verizon failed to provide any RF propagation maps (so the Town was unable to tell whether the proposed tower would in fact provide any expanded cell coverage) or any aesthetics studies. In the case of aesthetics, the Town specifically requested a public balloon test. Verizon never responded to that request but did in fact conduct its own balloon test with no notice to anyone, including the landowner.

Based on the location of the proposed tower and statements made by Verizon's own engineers, it appears in hindsight that the intention was to provide wireless data services and internet to skiers at Sugarbush and the tower would not provide any incremental cell coverage to town residents. In addition, Verizon has been actively promoting a \$25/month internet and TV service in Warren and their proposed tower would have likely put our local telecom provider, Waitsfield Telecom, out of business, after they just invested \$40 million in high speed fiber throughout the valley. In explaining how Section 248a works, Jim Porter from DPS said they always find that a cell tower is for the public good, but it's hard to see how putting a long-standing local business providing critical infrastructure out of business while not expanding cell coverage is in the public good.

In the end, it became all too clear that Verizon was just letting the 60-day advance notice period expire and had no intention to provide more information or engage in good faith discussions with the town or residents regarding their questions or concerns. This is directly contrary to the legislature's intent when it imposed the advance notice requirement but the reality is that telecom companies have no incentive to negotiate during that period. The DPS will always find that their proposal is for the public good and the DPS aesthetic experts have never found a telecom tower to have an undue adverse aesthetic effect.

In practice, Section 248a also puts towns and local residents at a severe disadvantage. Each of the big three telecom providers has their own highly specialized law firm that are experts in Section 248a. In contrast, when the Town of Warren sought advice on the operation of 248a

from the administrator for the Central Vermont Regional Planning Commission, they were incorrectly told that local zoning ordinances had no role in a 248a proceeding when the statute explicitly states that they do. Town officials also became increasingly worried about the cost of hiring a lawyer to represent the town in any formal PUC proceeding, especially as it became clear that Verizon had no intention of engaging in good faith discussions or negotiations during the advance notice period.

In the state of Vermont, proposed cell towers are facing increasing opposition. That was the case in Worcester, Enosburgh, and Granville to name just a few recent cases. And Vermont Digger and Seven Days are full of stories about significant local opposition to proposed cell towers. In our case, over three hundred residents signed a petition opposing the Verizon cell tower. At the same time, technology and awareness about emerging health concerns is changing. In New Hampshire, the legislature recently commissioned a study and is now actively considering a proposal to prohibit cell towers within 1500 feet of any residence. And the roll-out of 5G will have a major impact on the nature and number of cell towers in the state. Given all of this, it would be a big mistake to lock our state into a rigid regulatory framework with no ability to re-visit it as circumstances and public opinion continue to evolve.

To address some of these issues, Representative Kari Dolan has introduced [H.70] which would effect modest changes to 248a but go a long way toward ensuring that cell tower companies to engage in good faith discussions and negotiations during the advance notice period (which was the intention of the advance notice requirement in the first place) and avoiding the costs and delays associated with intervention and a contested proceeding. I also note that Vermonters for a Clean Environment has suggestions for additional reforms to Section 248a.

Extending 248a for renewal on a short term basis will give the legislature time to consider appropriate reforms to the statute and better preserve the unique character of Vermont and ensure that we are able to continue to attract people and businesses drawn here for the quality of life and aesthetic beauty of our State.